

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION (DAYTON)

FILED  
KENNETH J. MURPHY  
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PLAYTEX PRODUCTS, INC., a Delaware  
corporation,

Plaintiff,

v.

THE PROCTER & GAMBLE  
DISTRIBUTING COMPANY, an Ohio  
corporation, and THE PROCTER &  
GAMBLE COMPANY, an Ohio corporation,

Defendants,

CASE NO. C-1-02-391  
(Hon. Thomas M. Rose)

U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
WESTERN DIV. DAYTON

**PLAYTEX'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO  
DEFENDANTS' MOTIONS**

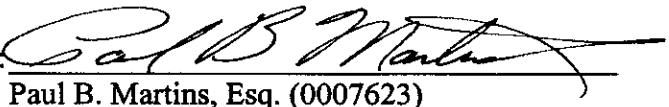
Pursuant to S.D. Ohio Civ. R. 7.3(a), Playtex hereby respectfully requests an  
extension of time, up to and including Monday, October 20, 2003 to respond to the following  
motions filed by P&G:

1. Defendants' Motion To Exclude The Opinions In Plaintiff's Supplemental Expert Reports (Dkt. 94).
2. Defendants' Motion To Exclude Identical Expert Testimony Of Plaintiff's Two Redundant Expert Witnesses (Dkt. 95).
3. Defendants' Motion For Summary Judgment Of Non-Infringement Based On Markman Ruling (Dkt. 96).
4. Defendants' Memorandum On Juror Comprehension Techniques (Dkt. 98).

Playtex has contacted counsel for Defendants and is authorized to state that this motion is  
unopposed.

A Memorandum In Support Is Attached hereto.

Respectfully submitted,

By: 

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Attorneys for Plaintiff and Counterdefendant  
Playtex Products, Inc.

### MEMORANDUM IN SUPPORT

Playtex's responses to Defendants' Motion To Exclude The Opinions In Plaintiff's Supplemental Expert Reports (Dkt. 94) and Defendants' Motion To Exclude Identical Expert Testimony Of Plaintiff's Two Redundant Expert Witnesses (Dkt. 95) are currently due on September 5, 2003. Playtex's response to Defendants' Motion For Summary Judgment Of Non-Infringement Based On Markman Ruling (Dkt. 96) is currently due on September 8, 2003. Playtex's response to Defendants' Memorandum On Juror Comprehension Techniques (Dkt. 98) is currently due on September 12, 2003. Pursuant to S.D. Ohio Civ. R. 7.3(a), Playtex seeks an extension of time, up to and including Monday, October 20, 2003 within which to file its memoranda in opposition to Defendants' motions.

As required by S.D. Ohio Civ. R. 7.3(a), Playtex has contacted counsel for Defendants' to solicit the consent of the Defendants' to this extension. Playtex has been authorized to state that this Motion For Extension Of Time is unopposed by the Defendants. Playtex attaches hereto an order, in the form prescribed by S.D. Ohio Civ. R. 7.4, granting this Motion.

Respectfully submitted,

By: 

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Attorneys for Plaintiff and Counterdefendant  
Playtex Products, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 3rd day of September, 2003, a copy of the foregoing was served via hand delivery upon:

Charles J. Faruki  
FARUKI GILLIAM & IRELAND P.L.L.  
500 Courthouse Plaza, S.W.  
10 North Ludlow Street  
Dayton, Ohio 45402

A handwritten signature in black ink, appearing to read "Paul J. Martin", is written over a horizontal line.